

REMARKS

The following remarks are made in response to the Office Action mailed June 17, 2005. Claims 1-4, and 6-20 were rejected. Claim 5 has been objected to. With this Response, claims 1, 5, 7-11, 13-14, and 15-20 have been amended. Claims 1-21 remain pending in the application and are presented for reconsideration and allowance.

In the Drawings

In the Office Action, the drawings were objected to regarding reference numeral 112. Applicant has submitted proposed corrected drawings for Figures 3-5, deleting the reference numeral 112. Applicant also has submitted corrected drawings, in the event that the proposed corrected drawing is approved. Accordingly, Applicant respectfully requests withdrawal of the objection to the drawings.

In the Specification/Abstract

Applicant has amended the Abstract page to include the heading "Abstract" and has amended the specification to capitalize the term SANTOPRENE on page 4, line 7 while retaining the trademark symbol ®. Accordingly, Applicant respectfully requests withdrawal of the objection to the specification and abstract.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, claims 1, 2, 3, 4, 7, 8, and 16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gehrung U.S. Patent No. 3,409,339 ("Gehrung").

Applicant's independent claim 1 specifies a media handling device.

Gehrung fails to disclose a media tray comprising, among other things, a finger portion extending from the media tray and made from a thermoplastic material, as claimed by Applicant. Instead, Gehrung does not reveal what material the tray member is made from, but does disclose that a leather strip 54, shoe 52 and spring 56 (among other connecting parts) are attached to an arm member 49 attached to tray 14. See Figs. 1-4 and Column 2, lines 69-70 and Column 3, lines 12. None of these components are disclosed as comprising an thermoplastic material, as claimed by Applicant.

Amendment and Response

Applicant: Tod A. Kinsley et al.

Serial No.: 10/736,245

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Docket No.: 200309606-1/H302.336.101

Title: MEDIA TRAY DAMPER

Moreover, Gehrung fails to disclose a damper disposed on the frame and including a contact portion shaped for maintaining frictional engagement with the finger portion of the media tray, wherein at least the contact portion of the damper is made from an elastomeric material, as claimed by Applicant. Gehrung does not disclose a material for track 38 (and track surface 40), and particularly does not disclose forming a damper from an elastomeric material, as claimed by Applicant. In addition, the leather strip 54 is not equivalent to Applicant's claimed damper because leather strip 54/shoe 53 are attached to and extend from the tray 14 of Gehrung's sound reproducing apparatus.

For these reasons, Gehrung fails to teach or suggest Applicant's independent claim 1. Accordingly, Applicant's believe that independent claim 1 is allowable over Gehrung. Claims 2-13, including claims 2-4, 7-8, are believed to be allowable based on their dependency from independent claim 1.

Applicant's independent claim 16 specifies a media handling device.

Gehrung discloses track 38, shoe 52, leather strip 54, and spring 56 (among other components) for enabling pivoting of tray 14. However, Gehrung fails to disclose forming any of these components from an elastomeric material to serve as a contact surface to frictionally engage a media tray to control a velocity of pivotal movement of the media tray relative to the frame of a media handling device, as claimed by Applicant. Moreover, Gehrung contains no suggestion to replace its components with alternatives made from a material such as an elastomeric material.

For these reasons, Gehrung fails to teach or suggest Applicant's independent claim 16. Accordingly, Applicant's believe that independent claim 16 is allowable over Gehrung. Claim 17 is believed to be allowable based on its dependency from independent claim 16.

In light of the above, Applicants respectfully request withdrawal of the rejection of claims 1, 3-4, 7-8, and 16 based on Gehrung under 35 U.S.C. §102.

Claim Rejections under 35 U.S.C. § 103

In the Office Action, claims 6, 9, 10, 11, 12, 14, 15, 17, 18, 19, and 20 were rejected under 35 U.S.C. § 103(a).

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In the Office Action, claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Gehrung and further in view of Ojima, U.S. Patent No. 4,457,497 ("Ojima"). Dependent claim 6 is believed to be allowable based on its dependency from independent claim 1, which is believed to be allowable for the reasons previously presented.

In the Office Action, claims 9, 14, 17, 18, 19, and 20 were rejected 35 U.S.C. § 103(a) as being unpatentable over Gehrung.

Claim 9 is believed to be allowable based on its dependency from independent claim 1, which is believed to be allowable for the reasons previously presented.

Applicant's independent claim 14 specifies a damper for a media tray pivotally mountable to a printer frame.

Gehrung discloses a sound reproducing apparatus, which is not equivalent to the media tray connectable to a printer frame, as claimed by Applicant in independent claim 14. The Office Action admits that Gehrung does not disclose a printer frame, yet assumes way Applicant's invention by speculating that one skilled in the art would look to a patent on a sound reproducing apparatus. The Office Action cites no evidence from Gehrung, or how/where one skilled in the art, would begin this speculation to find Gehrung (which has nothing to do with printers) and then after reading Gehrung, to make the proposed substitution.

Moreover, Applicant's damper is made of an elastomeric material. Gehrung does not disclose a material for track 38 (and track surface 40), and particularly does not disclose forming a damper from an elastomeric material, as claimed by Applicant. In addition, the leather strip 54 is not equivalent to Applicant's claimed damper because leather strip 54/shoe 53 are attached to and extends from tray 14.

For these reasons, Gehrung fails to teach or suggest Applicant's independent claim 14. Accordingly, Applicant's believe that independent claim 14 is allowable over Gehrung.

Dependent claims 17-18 are believed to be allowable based on their dependency from claim 16, which is believed to be allowable for the reasons previously presented.

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Applicant's independent claim 19 specifies a method of controlling motion of a media tray of a printer.

Gehrung discloses a sound reproducing apparatus, which is not equivalent to the method of controlling motion of a media tray of a printer, as claimed by Applicant in independent claim 19. The Office Action admits that Gehrung does not disclose a printer, yet assumes way Applicant's invention by speculating that one skilled in the art relating to Applicant's claimed subject matter would look to a patent on a sound reproducing apparatus. The Office Action cites no evidence from Gehrung, or how/where one skilled in the art, would begin this speculation to find Gehrung (which has nothing to with printers), and then after reading Gehrung, to make the proposed substitution.

For these reasons, Gehrung fails to teach or suggest Applicant's independent claim 19. Accordingly, Applicant's believe that independent claim 19 is allowable over Gehrung. Claim 20 is believed to be allowable based on its dependency from independent claim 19.

In the Office Action, claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gehrung and further in view of Joyce, U.S. Patent No. 5,626,225 ("Joyce") and Winberg, U.S. Patent No. 6,026,776 ("Winberg"). Claim 10 has been amended to now depend from new claim 21, accordingly this rejection is obviated.

In the Office Acton, claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gehrung and further in view of Murasawa, U.S. Patent No. 5,193,228 ("Murasawa"). Claims 11 and 12 are believed to be allowable based on their dependency from independent claim 1, which believed to be allowable for the reasons previously presented.

In the Office Action, claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gehrung and in further view of Bang, U.S. Patent No. 5,464,205 ("Bang"). Claim 13 has been amended to depend from new claim 21, thereby obviating the rejection.

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In the Office Action, claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gehrung and in further view of Winberg. Claim 15 is believed to be allowable based on its dependency from independent claim 14, which believed to be allowable for the reasons previously presented

In light of the above, Applicants respectfully request withdrawal of the rejection of claims 6, 9, 10, 11, 12, 14, 17, 19, and 20 based on Gehrung, Ojima, Winberg, Bang, Joyce, and/or Murasawa under 35 U.S.C. §103(a).

Allowable Subject Matter

In the Office Action, claim 5 was objected to but considered allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

Applicant has presented claim 5 as new independent claim 21, including applicable base and intervening claim limitations. Applicant also has amended claim 10, previously dependent on claim 1, to depend from claim 21. Applicant respectfully requests allowance of new claim 21 along with dependent claim 10.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-21 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-21 is respectfully requested.

Applicants hereby authorize the Commissioner for Patents to charge Deposit Account No. 08-2025 the amount of \$250.00 to cover fees as set forth under 37 C.F.R. 1.16(h)(i).

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

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Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29th day of August, 2005.

By Paul S. Grunzweig
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